



THE
MATTESON
COMPANIES

Matteson Realty Services, Inc.

Matteson Real Estate Equities, Inc.

Matteson Investment Corporation

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April 5, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Preemption of Local Zoning Regulation of
Satellite Earth Stations, IB Docket No. 95-59

Dear Mr. Caton:

We write in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on March 11, 1996, regarding preemption of certain local regulation of satellite earth station antennas, and proposing to prohibit enforcement of nongovernmental restrictions on such antennas that are less than one meter in diameter (the "FNPRM"). We enclose six (6) copies of this letter, in addition to this original.

The Matteson Companies are in the residential real estate business. We have an ownership interest and oversee the property management activities of 13 apartment communities comprising 2,660 units. These communities are located throughout the State of California. Several of our communities are governed by homeowners' associations that have strict regulations regarding satellite appliances. These regulations currently heightened the awareness by our residents, many of whom strenuously object to the aesthetic offensiveness of these appliances. These and other concerns we feel are important for you to consider in reviewing this proposed rule change.

We are concerned that the proposed rule prohibiting enforcement of nongovernmental restrictions will adversely affect the conduct of our business without justification and needlessly raise additional legal issues. We question whether the Commission has the authority to require us to allow the physical invasion of our property. We must retain the authority to control the use of our property, for several reasons.

First, the FNPRM incorrectly states that "nongovernmental restrictions would appear to be directed to aesthetic considerations." Aesthetic considerations are not trivial — the appearance of a building directly affects its marketability. Most people prefer to live in attractive communities, and the sight of hundreds of satellite antennas bolted to the outside walls and railings of apartment units would be extremely unappealing to present and future residents. Aesthetic considerations have definite economic ramifications.

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Second, the weight or wind resistance of a satellite and the quality of installation may create maintenance problems and — more importantly — a hazard to the safety of residents, building employees, and passers-by. Damage to the property caused by water seepage into the building interior, corrosion of metal mounts, or weakening of concrete could lead to safety hazards and very costly maintenance and repair.

Third, the technical limitations of satellite technology create problems because all of our residents may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access.

In conclusion, we urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights. Thank you for your attention to our concerns.

Sincerely,

A handwritten signature in cursive script, reading "Shirley C. Matteson".

Shirley C. Matteson
Executive Vice President

SCM:mw

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